

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In The Matter of:	:	
	:	Proceeding Under Section 308 of the
	:	Clean Water Act, 33 U.S.C. § 1318
Mountaire Farms Inc.	:	
P.O. Box 710	:	
Selbyville, DE 19975	:	
	:	INFORMATION REQUIREMENT
Respondent	:	
	:	
	:	

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of National Pollutant Discharge Elimination System (NPDES) Permits and Enforcement. EPA hereby requires the Mountaire Farms Inc. ("Respondent") or ("Mountaire") to provide information described below related to compliance with the CWA.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the Federal Water Pollution Control Act ("Clean Water Act" or "the Act"), 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - a. Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the Clean Water Act;
 - b. Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. Any requirement under Section 308 of the Clean Water Act; and
 - d. Carrying out Sections 305, 311, 402, 404, and 504 of the Clean Water Act.

3. Any failure to respond as directed is punishable under the civil and criminal provisions of Section 309 of the Act, which provide for the assessment of penalties, injunctive relief and imprisonment.
4. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question and for each subpart of each question set forth below. Precede each answer with the corresponding number of the question to which it responds.
6. Identify each person responding to any question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.
7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
9. If tabulation is requested, provide the requested information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file in Microsoft Excel format.
10. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent

find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.

11. Section 308 of the Act, 33 U.S.C. § 1318, requires the Respondent to provide accurate and complete information in response to the questions contained in this request. All submissions provided pursuant to this Section 308 request shall be signed and dated by a responsible official of Respondent and must include the following certification:

“I certify that the information contained in or accompanying this submission is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I certify as having responsibility for the persons who, acting under my direct instruction, made the verification that this information is true, accurate, and complete.”

Signed _____
Title _____

12. Submit your response to:

Kaitlin McLaughlin (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

13. If you have questions regarding this Information Requirement, you may contact Ms. Kaitlin McLaughlin of the NPDES Enforcement Branch at (215) 814-2393

IV. DEFINITIONS

14. The terms “Document”, “Documents” and “Documentation” shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b)

each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.

15. “Day” shall mean a calendar day. In computing any period of time under this Request pursuant to Section 308, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.
16. “Facility” refers to the Mountaire poultry processing plant.
17. The “Permit” shall refer to the NPDES Permit No. DE 0050326.
18. “DMR” shall mean Discharge Monitoring Report.
19. “BMP” shall mean Best Management Practice.
20. “DNREC” shall mean Delaware’s Department of Natural Resources and Environmental Control.

V. INFORMATION REQUESTED

21. AND NOW, this _____ day of _____, 2015, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. Section 1318, to provide the following information for the period January 1, 2012 to present, no later than 30 days from the effective date of this Information Requirement.
22. Provide a full and complete copy of the current discharge permit and any modifications to the permit following approval.
23. In narrative form, provide a description of the business operations of the Facility. In your response include:
 - a. Date and state of incorporation. If this is a privately held corporation provide information on the timeframe and state of operations;
 - b. Years of operation;
 - c. An organization chart that includes the list of officers with titles;
 - d. The location of headquarters operations, locations for business operations, and a list of local offices or any subsidiaries;
 - e. Number of employees;
 - f. Annual sales and revenue from January 1, 2012 to present.

24. Provide a Facility map showing drainage pathways, main pollution sources, pervious areas, and impervious areas.
25. Provide a complete copy of each DMR from January 1, 2012 to present.
26. Provide a description of standard operating procedures and practices for monitoring and sampling of outfalls listed in the Facility's NPDES Permit from January 1, 2012 to present. In your response include any documents, correspondence, and information to support this practice.
27. Provide copies of all correspondence between DNREC and Mountaire from January 1, 2012 to present regarding potential non-compliance at the Facility. In your response provide:
 - a. Copies of all Notification of Noncompliance letters;
 - b. Descriptions and documentation of any and all remedial measures taken and planned to correct compliance deficiencies identified by DNREC;
 - c. Costs of all remedial measures identified in response to question 27b and the basis for the cost determination.
28. The Facility's Storm Water Plan dated June 2014 requires the Facility to complete worksheets. Provide completed copies of the listed worksheets from January 1, 2012 to present:
 - a. Worksheet 1
 - b. Worksheet 2
 - c. Worksheet 4
 - d. Worksheet 5
 - e. Worksheet 6A
 - f. Worksheet 6B
 - g. Worksheet 6C
 - h. Worksheet 6D
 - i. Worksheet 6E
 - j. Worksheet 6F
 - k. Cleaning of All Paved Areas Checklist
 - l. Worksheet 7
 - m. Worksheet 7A
 - n. Comprehensive Site Evaluation Inspection Sheet
 - o. Worksheet 7B

- p. Worksheet 8
 - q. Worksheet 8A
 - r. Worksheet 8B
 - s. Worksheet 9
 - t. Worksheet 10
 - u. Worksheet 11
 - v. Quarterly Visual Monitoring Sheet
29. For all operations at the Facility, provide a list of implemented or planned BMPs.
30. For the above BMPs, provide standard operating procedures for maintenance and monitoring for reduction and/or elimination of pollutants.
31. Provide a detailed description of all operations related to live haul.
32. Provide a Facility map highlighting live haul pathways, trailer cleaning pads, maintenance operation locations, and fueling locations.

VI. EFFECTIVE DATE

33. This Information Requirement is effective upon receipt.

Date: _____

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permit & Enforcement
Water Protection Division